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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

AVELLINO, JOSEPH E

ART UNIT PAPER NUMBER

2143

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/574,435

Applicant(s)

PECINA, CHRISTINE

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6,8-16,18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,8-16,18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing-sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 3, 4, 6, 8-16, 18 and 20 are presented for examination.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Lin et al. (USPN 6,405,250) (hereinafter Lin).

3. Referring to claim 1, Lin discloses a network device comprising:
an internal configuration database process (management agent) for managing configuration of internal resources within the network device in response to configuration input provided by an external Network Management System (NMS) process (e.g. abstract; Figures 1-8; col. 7, lines 27-50);
a plurality of modular processes that communicate with the configuration database to access configuration data, wherein the processes use the configuration data to modify execution behavior (execution policies) (col. 8, line 39 to col. 9, line 50);
a database maintained by said external NMS for storing a copy of data contained in said internal configuration database (Figure 4, ref. 401); and
wherein the configuration database supports an active query feature and the NMS database is configured to establish an active query for one or more records within

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the configuration database such that the internal database sends a notification of the NMS database upon occurrence of a change in any of said records so as to synchronize the NMS database with the embedded database (col. 6, lines 12-23; col. 8, lines 44-48; Figures 1-8).

4. Referring to claim 20, Lin discloses a process establishes an active query with the internal configuration database to receive a notification therefrom upon occurrence of one or more changes in said internal database (col. 6, lines 24-65).

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3, 4, 6, 8, 9, 11-16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim in view of Krishnamurthy et al. (USPN 6,389,464) (hereinafter Krishnamurthy).

6. Referring to claim 3, Lin discloses a communications system, comprising:
a network device comprising:

an internal configuration database process for managing configuration of internal resources within the network device (e.g. abstract; Figures 1-8; col. 7, lines 27-50).

a computer system comprising:

a trend analyzer and an action chooser to receive information from the network element and, based on previous performance, determine a best course of action to reconfigure the network element (e.g. abstract; Figures 1-8; col. 7, line 51 to col. 8, line 2; col. 8, lines 39-55);

a Network Management System (NMS) process for responding to the configuration data and for sending configuration data to the configuration database process within the network device (col. 7, line 51 to col. 8, line 2);

wherein the configuration database process within the network device configures internal resources of the network device in response to the configuration data received from the NMS (col. 7, line 27 to col. 8, line 55).

The system taught by Lim does not necessarily disclose an input mechanism for receiving configuration input data from a network manager, however Krishnamurthy discloses an input mechanism for receiving configuration input data from a network manager over the Internet using standard HTTP and HTML protocols (Figures 4-29). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Krishnamurthy with Lim to allow a system administrator to customize the network as necessitated by new upgrades to the system while leaving the automated processes of monitoring and configuring based on thresholds to the network monitoring system.

7. Referring to claim 4, Lin discloses an internal NMS database process for tracking configuration information stored by the configuration database within the network device (col. 7, lines 27-50).

8. Referring to claim 6, Lin discloses the change notification sent to the NMS database by the configuration database includes data representing the change to the configuration data (col. 7, lines 36-50; col. 8, lines 23-28, 44-48).

9. Referring to claim 8, Lin discloses a communications system as stated in the claims above. Lin does not disclose the NMS process communicates with the configuration database through a standard database protocol. Krishnamurthy discloses the database synchronization process communicates with the configuration database through a standard database protocol (SQL) (e.g. abstract). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Krishnamurthy with Lin to provide for reduced complexity of the system while allowing for the use of standardized components to interface with the database system.

10. Referring to claim 9, Lin-Krishnamurthy disclose a communications system as stated in the claims above, however the system does not specify the NMS process communicates with the NMS database through the standard database protocol, however, it is suggested by the prior art that it would have been obvious to one of

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ordinary skill in the art at the time the invention was made to modify the system of Lin-Krishnamurthy to communicate with the NMS database through the standard database protocol to provide for reduced complexity of the system while allowing for the ease of future upgrades or replacements.

11. Referring to claim 11, Lin discloses a communications system as stated in the claims above. Lin does not necessarily disclose that the computer system comprises a workstation, however, it is suggested that Lin that it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a workstation to the computer system to allow the system to effectively monitor that particular element as part of the system.

12. Referring to claim 12, Lin discloses a communications system as stated in the claims above. Lin does not disclose that the computer system comprises a personal computer. Krishnamurthy disclose a computer system which comprises a personal computer (col. 4, lines 1-7). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Krishnamurthy with Lin to allow a system administrator to customize the network as necessitated by new upgrades to the system while leaving the automated processes of monitoring and configuring based on thresholds to the network monitoring system.

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13. Referring to claim 13, Lin discloses a communications system as stated in the claims above. Lin does not disclose the network device is a switch. Krishnamurthy disclose a network monitoring/management system which monitors the performance of a network switch (e.g. abstract; col. 4, lines 20-27). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Krishnamurthy with Lin to allow a system administrator to customize the network as necessitated by new upgrades to the system while leaving the automated processes of monitoring and configuring based on thresholds to the network monitoring system.

14. Referring to claim 14, Lin discloses the network device is a router (col. 3, line 1).

15. Referring to claim 15, Lin-Krishnamurthy discloses a communications system as stated in the claims above. Lin-Krishnamurthy do not disclose that the network device is a hybrid switch-router, however it is suggested by the prior art that it would have been obvious to one of ordinary skill to provide that the network device is a hybrid switch-router to allow more connectivity between network devices, allowing more integration of network elements support systems.

16. Claims 16, and 18 are rejected for similar reasons as stated above.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lim in view of Krishnamurthy in view of Sampson et al. (USPN 6,490,624) (hereinafter Sampson).

17. Lim in view of Krishnamurthy disclose a communications system as stated in the claims above. Lim in view of Krishnamurthy do not disclose that the standard database protocol is the JDBC protocol. Sampson discloses accessing a database using the JDBC protocol (col. 9, lines 45-51). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Sampson with Lim and Krishnamurthy to allow a client to securely interact with a plurality of access servers as supported by Sampson (e.g. abstract).

Response to Amendment

18. The Office acknowledges the amendments to claims 1, 3, 4 and 16 and the cancellation of claims 5 and 17 and the addition of claim 20.

Response to Arguments

19. Applicant's arguments filed June 22, 2005 have been fully considered but they are not persuasive.

20. In the remarks, Applicant argues, in substance, that (1) Lim does not disclose an active query feature such that the internal database sends a notification to the NMS database upon occurrence of a change in any of the records.

21. As to point (1) Applicant's attention is directed to col. 6, lines 12-33, "*an NE could report periodically based on a periodic internal timeout event, it could raise alarms when some of its parameters exceed their threshold value...NMS can choose an option based on a network-wide view and instruct the NE to change its reporting*". By this rationale, the rejection is maintained.

Conclusion

22. Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993). Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad

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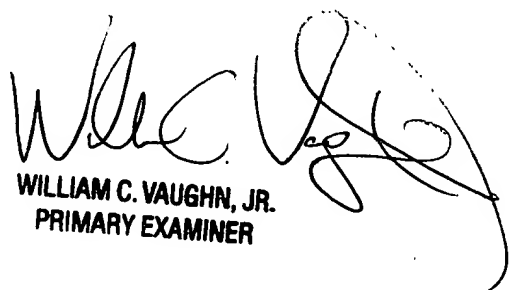
interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly, define the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JEA
July 15, 2005



WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER